

## REMARKS

The present amendment is submitted in response to the Office Action dated June 23, 2011, which set a three-month period for response, making this amendment due by September 23, 2011.

Claims 1, 3-7, and 9-12 are pending in this application.

In the Office Action, claims 1-6 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 2003/0076293 to Mattsson. Claims 7 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mattsson in view of U.S. 2004/0013295 to Sabe et al. Claims 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mattsson.

In the present amendment, the specification was amended to add standard headings as well as a cross reference to the related priority document.

Claim 1 was amended to more clearly define the invention over the cited art, in particular, the primary reference to Mattsson, by additionally defining that *at least two measurement characteristics (4) of the object (1) in different spatial positions are recorded and evaluated, wherein a position of the recording device (3) is selected such that for determining the position of the object (1), suitable measurement characteristics (4) optimally cover a sensitive area of the recording device by intermediate angles of visual rays (7) from the measurement characteristics (4) to the photographic device (3) that are greater than 10°, and wherein no more than five measurement characteristics (4) are evaluated simultaneously.*

Claims 2 and 8 have been canceled.

The Applicants respectfully submit that the pending claims are not anticipated or rendered obvious over the cited art.

Mattsson discloses that marks are used, while the present invention is directed to the recording of measurement characteristics of the object. Further, Mattsson uses primarily at least two cameras. In addition, the gesture recognition system disclosed by Mattsson uses sets of markers, which again, is not the case in the present invention.

Amended claim 1 defines that at least three measurement characteristics are simultaneously recorded in one image by an optical recording device. By means of this feature, a faster position determination can be achieved. Furthermore, using the intermediate angle of the visual rays further defined in amended claim 1, a high resolution of the position determination is attained, even though only one image is recorded. The additional feature of claim 1, directed to using a maximum of five simultaneously evaluated measurement characteristics, reflects the object that the effort during a valuation must be limited.

By using an intermediate angle of more than  $10^{\circ}$ , the available full capacity of the sensor surface is optimally used. Thus, the position of the moveable recording device must be chosen accordingly.

Mattsson does not teach a method for determining the position of an object in space in which at least three and not more than five measurement characteristics are simultaneously recorded. Furthermore, Mattsson fails to disclose that the position of the recording device is chosen such that the measurement characteristics optimally cover the sensitive recording device.

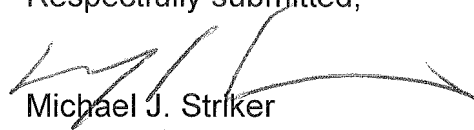
Because amended claim 1 includes features that are not disclosed by Mattsson, the rejection under Section 102 must be withdrawn. The Applicants furthermore respectfully submit that Mattsson is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that “a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference”, and that “the identical invention must be shown in as complete detail as is contained in the ... claim”.

In addition, neither Mattsson nor Sabe discloses that the intermediate angles of the visual rays from the measurement characteristics to the recording device are greater than 10°. Thus, a combination of these references could NOT lead the practitioner to the present invention as defined in amended claim 1, so that the combination of Mattsson and Sabe does not render obvious the subject matter of the claims.

The Applicants note further that paragraph [0062] of Sabe, cited by the Examiner with reference to claim 12, provides no teaching or suggestion of the features of this claim.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", written over the printed name.

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